

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JCHON PERKINS,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant.

Case No. 1:24-cv-25

HON. JANE M. BECKERING

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MEMORANDUM OPINION AND ORDER

In 2021, Plaintiff, proceeding pro se, initiated an action in state court against Defendant, which Defendant removed here under this Court's diversity jurisdiction. *See Perkins v. Trek Bicycle Corp.*, 1:21-cv-179-JTN-SJB. In 2023, Plaintiff, proceeding pro se, initiated the instant action in state court against Defendant, which Defendant removed here, again under this Court's diversity jurisdiction. Both parties filed motions for summary judgment, and the matter was referred to the Magistrate Judge. On December 18, 2024, the Magistrate Judge issued a Report and Recommendation (R&R), recommending that this Court deny Plaintiff's motion and grant Defendant's motion. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. Defendant did not file a response to Plaintiff's objections. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Memorandum Opinion and Order.

In resolving the parties' motions, the Magistrate Judge ultimately determined that Plaintiff's present claims are barred by application of the doctrine of res judicata. In his objections to the Report and Recommendation, Plaintiff argues that certain "new evidence and independent wrongful conduct" by Defendant, discovered after the conclusion of the 2021 case, distinguish the present action from the 2021 action, rendering res judicata inapplicable (Pl. Obj., ECF No. 52 at PageID.572–574). However, each piece of new evidence that Plaintiff identifies—Defendant's alleged reputation as a "trademark bully," the dismissal of Defendant's filing in the U.S. Patent and Trademark Office, Plaintiff's economic harm, and Defendant's alleged "broader strategy" to suppress smaller competitors (*id.* at PageID.574–575)—was before the Magistrate Judge and thoroughly considered by the Magistrate Judge. Plaintiff's objection does not demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion, only Plaintiff's disagreement with the result. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court, and a Judgment will be entered consistent with this Memorandum Opinion and Order. *See* FED. R. CIV. P. 58. Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 52) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 51) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 29) and Objection (ECF No. 35) are DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (ECF No. 31) is GRANTED.

Dated: January 27, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge